



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2003-40**

November 10, 2003

Karen Beaulieu  
Top Notch Properties LLC  
9 Pasture Lane  
Bedford, NH 03110

RE: DES Wetlands File #2003-02370 10 Guild Circle, Gilford

Dear Ms. Beaulieu:

On November 7, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilford Tax Map 240 as Lot 30 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and review of documents filed with the Town of Gilford the following was documented:

Approximately 10,000 square feet of jurisdictional wetland have been stumped and rutted with heavy equipment.

- 2) No permit has been issued for the work in jurisdictional wetlands on the Property.
- 3) DES was informed by the Gilford Code Enforcement Officer that a minimum impact expedited application was filed with the town. The plan filed with the application identifies the location of the approved septic system (approval number CA2003057277) as jurisdictional wetland.
- 4) The application included notes about restoration of the disturbed wetland area, and showed a new location for the house site and septic system.

In response to the wetland deficiencies, you are requested to take the following actions:

- 1) Immediately install siltation controls and mulch all exposed soils with straw to prevent further erosion of wetlands on the property.
- 2) Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring 10,000 square feet of rutted and disturbed

wetland on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with wetland boundaries; and
    2. Proposed conditions after reestablishing the jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
- 3) Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
  - 4) Implement the restoration plan only after receiving written approval and as conditioned by DES.

The change in the septic system location has been referred to the Subsurface Bureau

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows.

Vicki Chase  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Vicki Chase at (603) 271-4062.

Sincerely,

**COPY**  
  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 0992

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Gilford Conservation Commission  
Tracey Atwater, Contractor  
Dave Andrade, Gilford Code Enforcement  
David Killoy, USACOE  
DES Subsurface Bureau